IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N. RAMACHANDRAN NAIR

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

WP(C).No. 23178 of 2005(H)

PETITIONER:

MEENAKSHI, AGED 57 YEARS,
W/O. LATE SAHAJANANDAN, MANNATHAMPARAMBU,
MARARIKULAM NORTH PANCHAYATH,
KANICHUKULANGARA P.O., CHERTHALA.

BY ADV. SRI. S. SANAL KUMAR
SMT. BHAVANA VELAYUDHAN

RESPONDENTS:

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1. **MARARIKULAM NORTH GRAMA PANCHAYATH,**
   REPRESENTED BY ITS SECRETARY, S.L. PURAM P.O.,
   MARARIKULAM, ALAPPUZHA.

2. **KERALA STATE HOUSING BOARD,**
   REPRESENTED BY ITS
   PATTOM, THIRUVANANTHAPURAM.

3. **DISTRICT PANCHAYATH, ALAPPUZHA.**

BY ADV. SRI. A. JAYASANKAR, SC, KSHB, TVM
R1 BY ADV. SRI. C.V. MANUVILSAN
SRI. G. SUDHEER (THURAVOOR)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 23178/2005(H)

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1	**:**	**COPY OF THE NOTICE OF THE 1ST RESPONDENT DATED 10.11.1999.**
EXT. P2	**:**	**COPY OF THE RECEIPT DATED 17.12.1999.**
EXT. P3	**:**	**COPY OF THE STAGE CERTIFICATE ISSUED BY THE VILLAGE OFFICER.**

1ST RESPONDENT'S EXHIBITS:

EXT. R1(a)	**:**	**COPY OF THE APPLICATION FORM AND TERMS AND CONDITIONS OF MAITHRI BHAVANAM SCHEME.**

2ND RESPONDENT'S EXHIBITS:

EXT. R2(a)	**:**	**COPY OF THE MINUTES OF THE MEETING.**

// TRUE COPY //

P.A. TO JUDGE.

smp

C.N. RAMACHANDRAN NAIR, J.

W.P.(C) NO. 23178 OF 2005

Dated this the 25th day of January, 2007.

J U D G M E N T

Heard learned counsel appearing for the petitioner, Government Pleader and the counsel appearing for the first respondent-panchayath.

2. First respondent-panchayath identified 34 persons eligible for financial grant under the Maithri Bhavana Nirmana Scheme, which is funded by a Central Agency, NABARD, through the Housing Board. Petitioner's case is that, her contribution was made on 17.12.1999 and she has constructed the basement for the house after demolishing her thatched shed. Learned counsel appearing for the panchayath also confirmed the same and submitted that the entire contribution from the side of the panchayath is also remitted to the Housing Board along with contributions made by other applicants. In the counter affidavit filed by the Housing Board, petitioner's eligibility is not denied. On the other hand, panchayath has stated that petitioner has not complied with the formalities such as production of certificate from Village Officer about construction of basement.

3. Housing Board has stated that there is a new scheme providing for better facilities to similar applicants. Petitioner claims to

have produced Exhibit P3 certificate of the Village Officer towards proof that she has carried out the required work and the house proposed is of a size of 34.50 sq. metres.

4. In the above circumstances, I do not find any justification for the Housing Board in denying benefits to the petitioner under the Maithri Bhavana Nirmana Scheme or any new scheme which has come in substitute for the same.

In the result, Housing Board shall release the entire payments to the petitioner stage wise and if basement is constructed, first installment is to be paid within two weeks from the date of production of a copy of this judgment. There will be a direction to the Village Officer to stage wise inspect the construction being made by the petitioner and issue certificate for the petitioner for production before the Housing Board. If there is failure by the Housing Board, petitioner can move this Court for contempt.

This writ petition is disposed of.

C.N. RAMACHANDRAN NAIR, JUDGE.

smp